

**Caswell Senior**  
**Register No. 20180-509**  
**Metropolitan Detention Center**  
**P.O. Box 329002**  
**Brooklyn, New York**

The Honorable Philip M. Halpern  
United States District Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

The defendant's request is granted pursuant to Fed. R. Crim. P. 38(b)(2). The Court recommends that the defendant be confined to the Metropolitan Detention Center in Brooklyn, New York, for a period of at least sixty days to permit the defendant to assist in preparing his appeal. The defendant may make additional requests thereafter as necessary and appropriate if additional time is required.

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
August 7, 2023

Re: *United States v. Caswell Senior*, No. 20 Cr. 626 (PMH)

Dear Judge Halpern:

Defendant respectfully submits this brief letter-motion for an order directing that he be held at the Metropolitan Detention Center (“MDC”) in Brooklyn, New York – where he is currently detained – to afford him a meaningful opportunity to confer with counsel regarding his appeal, and to assist in the preparation and presentation of that appeal to the United States Court of Appeals for the Second Circuit. This request is made pursuant to Rule 38(b) of the Federal Rules of Criminal Procedure.

On July 27, 2023, the Court sentenced the Defendant to a term of 188-months imprisonment upon a plea of guilty to Counts One and Sixteen of the Sixth-Superseding Indictment. On June 28, 2023, the Court entered the written judgment, and a timely notice of appeal was filed on July 7, 2023. The filing fee for the appeal was also remitted to the district court at that time. Consequently, Defendant’s appeal is currently pending.

Unless this Court promptly issues an order directing that Defendant be held at the MDC Defendant will almost certainly be transferred to a facility far outside the New York region, making meaningful consultation with counsel regarding the appeal, and his ability to participate with the preparation and presentation of the appeal an impossibility. Defendant, therefore, respectfully requests that the Court promptly issue an order to the Federal Bureau of Prisons directing that Defendant not be transferred from MDC until such time as he has had a meaningful opportunity to consult with appellate counsel, and to assist with the preparation and presentation of his direct appeal to the Second Circuit.

Notably, judges in the Southern District have frequently granted such requests. *See, e.g., United States v. James Capers*, No. 15 Cr. 607 (JPC)(Mar. 28, 2023)(granting Rule 38(b) request to remain housed at the MDC to assist in the preparation of his direct appeal); *United States v. Djonibek Rahmankulov*, No. 20 Cr. 653 (RA)(May 9, 2023)(“The Court recommends that Mr. Rahmankulov remain detained at MDC until his appeal is decided.”).

Clearly, the Court has the authority to grant this request under Fed. R. Crim. P. 38(b), and Defendant respectfully requests that the Court exercise such authority and discretion so as to ensure the protection of his right to appeal and counsel on appeal. The Court’s indulgence in this matter will be greatly and most sincerely appreciated.

For the reasons succinctly stated above, the Court should promptly grant this motion.

Respectfully submitted,

*Caswell Senior*

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CASWELL SENIOR

cc: Office of the U.S. Attorney (SDNY)